

PROVIDING FOR THE TRANSFER OF CERTAIN PROPERTY  
SITUATED IN THE STATE OF MAINE TO THE TOWN OF  
CASTINE, MAINE

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JUNE 18, 1956.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. DAWSON, of Illinois, from the Committee on Government  
Operations, submitted the following

R E P O R T

[To accompany H. R. 11520]

The Committee on Government Operations, to whom was referred the bill (H. R. 11520) to provide for the transfer of the residual portion of the Dice's Head (Maine) Lighthouse Reservation to the town of Castine, Maine, having considered the same, report favorably thereon and recommend that the bill do pass.

PURPOSE

The bill authorizes and directs the Administrator of General Services to convey by quitclaim deed, without consideration, to the town of Castine, Maine, the residual portion (a plot of land 100 feet square improved by a lighthouse tower) of the Dice's Head Lighthouse Reservation located in the town of Castine.

HISTORICAL BACKGROUND

In 1838 the Government acquired about 3 acres of land at Castine, Maine, for the purpose of erection and maintenance of a lighthouse thereon. Known as Dice's Head Lighthouse Reservation, the property, under the custody of the United States Coast Guard, served that purpose until 1935 when the lighthouse operation at that location was discontinued. At that time, the property, except as to the small residual portion which is the subject of this bill, was transferred to the town of Castine, Maine, pursuant to special authorizing legislation.

Public Law 81 (74th Cong.) approved May 28, 1935 (49 Stat. 305), authorized the Secretary of Commerce to dispose of several specified

lighthouse reservations. Section 5 of that act authorized conveyance

\* \* \* to the town of Castine, Maine, for public park purposes, that portion of the Dice's Head Lighthouse Reservation, Maine, which is not required for lighthouse purposes, containing about three acres, and including the appurtenant structures thereon, excepting the light tower and the plot of land surrounding same one hundred feet square, together with the right of ingress and egress as may be necessary for maintenance of the light.

Section 36 of that act provided for automatic reverter to the Government in the event of nonuse or discontinuance of use of the property for the purpose for which it was conveyed, i. e., as a public park; and provided further that—

the United States reserves the right to resume ownership, possession, and control, for Government purposes, of any of the property so conveyed, at any time without the consent of the grantee.

The light was not reestablished during the ensuing 18 years, and the property was in 1953 declared surplus to Government needs. Relying upon the erroneous representation of the United States Coast Guard that the residual portion, surplus in 1953, could be added to the original transfer, the town of Castine, according to Mr. McIntire, author of the bill—

\* \* \* took the steps necessary to accept it as a gift and undertook the maintenance of the property including painting the light tower.

In a surplus category, the property was disposable by the General Services Administration pursuant to provisions of the Federal Property and Administrative Services Act of 1949, as amended. Appraised at \$350 it was not readily salable due to the fact that it was completely surrounded by city-owned park property and its accessibility thus questionable.

#### STATEMENT

Statutory authority (Public Law 616, 80th Cong., 62 Stat. 350) now exists for transfer of surplus Federal realty to States, political subdivisions, and instrumentalities thereof for park and recreational use in consideration of payment of 50 percent of the appraised fair market value and subject to the statutorily prescribed conditions and restrictions. Presumably the town of Castine, were it financially able, could acquire the subject property administratively pursuant to that statutory authority. However, certain difficulties can be avoided by transferring the remaining portion of the lighthouse reservation subject to the same terms and conditions as was the larger portion under Public Law 81 (74th Cong.); this bill would provide identical terms and conditions. The following illustrates difficulties avoided by this bill: Public Law 81 (74th Cong.), pursuant to which transfer of the larger portion of the lighthouse reservation was made to the town of Castine, specified that the property be used, apparently in perpetuity, for park purposes; existing law (Public Law 616, 80th Cong.) limits such use restriction to a period of 20 years. Public Law 81 (74th Cong.), pro-

vided for a right of reentry and power of termination in the United States, exercisable at the option of the United States and qualified only in that such resumption of ownership, possession, and control be "for Government purposes". Public Law 616 (80th Cong.) provides only for right of reentry and power of termination upon nonuse or discontinuance of use of property as conveyed for park or recreational purposes.

In reviewing the legislative history pertaining to this particular property, the committee is of the opinion that this proposal would be entirely consistent with the intent of the Congress in authorizing transfer of the larger portion of the property in 1935. It would certainly appear that the entire property would have been conveyed at that time had it not been for the speculative thought as to possible future lighthouse utilization. Certainly the small residual portion was retained only for lighthouse purposes when and if necessary. Otherwise an unqualified exception would have been made as to right of ingress and egress instead of limiting such right "as may be necessary for maintenance of the light." The committee view coincides with that of Mr. McIntire, author of the bill—

\* \* \* that it is certainly reasonable to assume that Congress intended for the town to have the excepted area under the same terms as the original grant whenever it could be determined that the Government no longer had any need for the area.

This bill would accomplish that purpose.

Disposal of this small piece of surplus realty as proposed by this bill will not only insure its utilization for a worthwhile public purpose far exceeding its insignificant pecuniary value, but will also insure its availability for Federal use for lighthouse or other purposes when and if needed.

#### COMMITTEE ACTION

The committee, upon a presentation of the merits of the bill by its author, Mr. McIntire, and after consideration of the legislative history pertaining to the property in question, determined that enactment of the bill would effectuate the previously indicated intention of the Congress and provide for disposal of the property in a manner conducive to the public interest, both Federal and local. Accordingly, the Committee recommends the bill for favorable consideration.

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[H. R. 11520, 84th Cong., 2d sess.]

A BILL To provide for the transfer of certain property situated in the State of Maine to the town of Castine, Maine

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of General Services is authorized and directed to convey by quitclaim deed, without consideration, to the town of Castine, Maine, for public-park purposes, all right, title, and interest of the United States in and to that portion of the property known as the Dice Head Lighthouse Reservation, Maine, consisting of the light tower and the plot of land surrounding such tower one hundred feet square (together with any right of ingress and egress thereto), which was excepted from the con-

veyance transferring a part of such Reservation to the town of Castine, Maine, authorized by section 5 of the Act entitled "An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes", approved May 28, 1935 (49 Stat. 305), such property having been transferred to the Administrator of General Services for disposition as surplus property. The exact legal description of the property authorized to be conveyed under this Act shall be determined by the said Administrator.

SEC. 2. The conveyance authorized by this Act shall be subject to the conditions (1) that in the event the property conveyed pursuant to this Act ceases to be used for public-park purposes, all right, title, and interest so conveyed shall revert to the United States in accordance with the provisions of section 36 of the Act referred to in the first section of this Act, and (2) that the United States reserves the right to resume ownership, possession, and control, for Government purposes, of any of such property so conveyed, at any time and without the consent of the grantee.

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